

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-----------------------------------|---|---------------------------------------|
| In re Patent Application of: |) | |
| |) | |
| James G. GATTO |) | Group Art Unit: <i>to be assigned</i> |
| |) | |
| Serial No.: <i>to be assigned</i> |) | Examiner: <i>to be assigned</i> |
| |) | |
| Filed: <i>Herewith</i> |) | |
| |) | |

For: ELECTRONIC FUND TRANSFER OR TRANSACTION SYSTEM

**PRELIMINARY AMENDMENT AND REQUEST FOR A DECLARATION OF
INTERFERENCE WITH U.S. PATENT NO. 6,098,879**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Prior to initial examination on the merits, please amend the continuation application
filed herewith as follows:

IN THE SPECIFICATION:

Please amend the specification as follows:

On page 1, and before the section entitled "FIELD OF THE INVENTION," please
insert the following new paragraph:

--CROSS-REFERENCE TO RELATED APPLICATIONS

This application is a continuation of co-pending U.S. Application Serial No.:
09/658,622 filed September 8, 2000, entitled "Electronic Fund Transfer or Transaction

System," which is a divisional of U.S. Application Serial No. 08/670,599 (now U.S. Patent No. 6,149,055), filed June 26, 1996, entitled "Electronic Fund Transfer or Transaction System," which is a continuation-in-part application of U.S. Application Serial No. 08/421,486 (now U.S. Patent No. 5,546,523), filed April 13, 1995, entitled "Electronic Fund Transfer System."--

IN THE CLAIMS:

Please cancel claims 1-18 without prejudice or disclaimer.

Please add new claims 19-42 as follows:

19. (Newly added) A system for automatically providing customer preferences during a fueling transaction comprising:

- a) a fuel dispenser with an audio/visual customer interface having a display and audio system;
- b) wireless communication electronics associated with said fuel dispenser and adapted to receive signals from one or more customer remote communication units; and
- c) a control system and memory associated with said communications electronics and said customer interface;
- d) said control system adapted to receive the indicia from a customer remote communication unit and automatically provide the customer with select information at said customer interface, said select information being predefined by the customer and associated with the customer remote communication unit in advance of the fueling transaction.

20. (Newly added) The system of claim 19 wherein said memory is located apart from said fuel dispenser and is operatively associated with a central site control system.

21. (Newly added) The system of claim 19 wherein said control system includes a dispenser control system located in said fuel dispenser.
22. (Newly added) The system of claim 21 wherein said control system further includes a central site control system located apart from said fuel dispenser.
23. (Newly added) The system of claim 19 wherein said control system includes a central site control system located apart from said fuel dispenser.
24. (Newly added) The system of claim 19 wherein the indicia includes identification indicia and said select information is stored in said memory in association with the identification indicia of the remote communication unit and said control system is adapted to access said select information in said memory upon receipt of the identification indicia and provide the select information at the customer interface.
25. (Newly added) The system of claim 19 wherein said control system is adapted to access said select information at a remote network based on the indicia and provide the select information at the customer interface upon receipt of the indicia and accessing said select information.
26. (Newly added) The system of claim 19 wherein the indicia defines the select information stored in said memory, said control system adapted to access said select information using the indicia after receipt of the indicia and provide the select information at the customer interface.
27. (Newly added) The system of claim 19 wherein the indicia includes the select information and said control system is adapted to receive said select information through the communication electronics and provide the select information at the customer interface.

28. (Newly added) The system of claim 19 wherein said select information includes a desired greeting to be provided at the customer interface to the customer.

29. (Newly added) The system of claim 28 wherein said greeting is audibly presented to the customer.

30. (Newly added) The system of claim 28 wherein said greeting is visually displayed to the customer.

31. (Newly added) The system of claim 19 wherein said control system is adapted to allow a customer to modify the predefined selected information during a transaction to receive additional selected information.

32. (Newly added) The system of claim 31 wherein said control system stores the additional selected information as said selected information for future transactions.

33. (Newly added) The system of claim 32 wherein said control system and said communications system are adapted to transmit information to the remote communications unit to store the additional information as the selected information.

34. (Newly added) A system for automatically preventing presentment of information based on customer preferences during a fueling operation comprising:

- a) a fuel dispenser with a customer interface adapted to present information to a customer during a transaction;
- b) wireless communications electronics associated with said fuel dispenser and adapted to receive signals from customer remote communications units associated with customers using the fuel dispenser; and
- c) a control system and memory associated with said communication electronics and said customer interface;
- d) said control system adapted to present said select information at said customer interface;
- e) said control system adapted to receive the indicia from a customer remote communication unit and prevent presentment of select information at said customer interface, said select information being selected by the customer and associated with the customer remote communication unit prior to the transaction.

35. (Newly added) The system of claim 34 wherein the indicia is identification indicia and said select information is stored in association with the identification indicia of the remote communication unit and said control system is adapted to identify said select information upon receipt of the identification indicia and prevent the presentment of the select information accordingly.

36. (Newly added) The system of claim 34 wherein the predefined parameters are transmitted to the communication electronics from said remote communication unit and said control system is adapted to receive the predefined parameters and control the transaction accordingly.

37. (Newly added) An interrogation system associated with a fuel dispensing system for automatically providing customer preferences to a customer during a fueling transaction, said system comprising:

- a) a customer transaction interface associated with an interrogator for communicating with transponders; and
- b) a control system and memory associated with said interrogator;
- c) said control system adapted to interrogate a customer remote communication unit with said interrogator during a transaction to receive indicia associated with a predefined set of customer preferences and to provide automatically select types of information based on the predefined set of customer preferences associated with the received indicia, said predefined set of customer preferences determined by the customer in advance of the fueling transaction.

38. (Newly added) The system of claim 37 wherein said control system is further adapted to prevent displaying certain information based on said predefined set of customer preferences associated with the indicia received through said interrogator.

39. (Newly added) The system of claim 37 wherein the indicia received through said interrogator includes the select types of information comprising the set of customer preferences predefined by the customer in advance of the fueling transaction and said control system uses the indicia to access the information and provide the information to the customer.

40. (Newly added) A method for automatically providing customer preferences during a fueling transaction comprising:

- a) receiving indicia from a customer remote communication unit in association with a fueling transaction;
- b) determining select types of information predefined by the customer using the indicia received from the customer remote communication unit, the select types of information being selected by the customer and associated with the remote communication unit in advance of the fueling transaction;
- c) accessing information defined by the select types of information; and
- d) providing the information to the customer during the refueling transaction.

41. (Newly added) The method of claim 40 wherein the receiving step includes receiving identification indicia for the remote communication unit and the accessing step includes accessing information according to the select types of information in a database using the identification indicia.

42. (Newly added) The method of claim 40 wherein the indicia includes the select types of information.

REMARKS

By this Preliminary Amendment, the Specification has been amended, claims 1-18 have been canceled, and claims 19-42 have been added. Therefore, claims 19-42 are pending. Claims 19-27, 28-33, 34-35, 36, 37-39, and 40-42 correspond identically to claims 1-9, 18-23, 24-25, 27, 28-30, and 31-33 of U.S. Patent No. 6,098,879 (the '879 patent), and have been added for the purpose of provoking an interference with that patent.

A. Effective Filing Dates

This application is a continuation of co-pending U.S. Application Serial No.: 09/658,622 filed September 8, 2000, entitled "Electronic Fund Transfer or Transaction System," which is a divisional of U.S. Application Serial No. 08/670,599 (now U.S. Patent No. 6,149,055), filed June 26, 1996, entitled "Electronic Fund Transfer or Transaction System," which is a continuation-in-part application of U.S. Application Serial No. 08/421,486 (now U.S. Patent No. 5,546,523), filed April 13, 1995, entitled "Electronic Fund Transfer System."

Claims 19-42, as presented in this Preliminary Amendment, are supported in the disclosure of U.S. Application Serial No. 08/670,599 (now U.S. Patent No. 6,149,055), filed June 26, 1996, entitled "Electronic Fund Transfer or Transaction System." Thus, claims 19-42 are entitled, at least, to an effective filing date of June 26, 1996. Additionally, it should be recognized that one or more of claims 19-42 have support in U.S. Application Serial No. 08/421,486 (now U.S. Patent No. 5,546,523), filed April 13, 1995, entitled "Electronic Fund Transfer System."

U.S. Patent No. 6,098,879 has an effective filing date of February 17, 1998, and claims the benefit of U.S. Provisional Application No. 60/060,066, filed September 26, 1997.

B. 37 C.F.R. 1.607

Applicants submit the following information as required by 37 C.F.R. 1.607(a)(1)-(a)(5). The '879 patent issued on August 8, 2000. Therefore, claims 19-42 of the present application were pending within one year of the issue date of the '879 patent and no explanation under 37 C.F.R. 1.607(a)(6) is necessary.

(1) Identification of Patent

In accordance with 37 C.F.R. 1.607(a)(1), Applicants request that an interference be declared between the application filed herewith and U.S. Patent No. 6,098,879 (the '879 patent).

(2) Proposed Count

In accordance with 37 C.F.R. 1.607(a)(2), Applicants present the following proposed count, which corresponds identically to claim 19 presented herein, and to claim 1 of the '879 patent:

A system for automatically providing customer preferences during a fueling transaction comprising:

- a) a fuel dispenser with an audio/visual customer interface having a display and audio system;
- b) wireless communication electronics associated with said fuel dispenser and adapted to receive signals from one or more customer remote communication units; and
- c) a control system and memory associated with said communications electronics and

said customer interface;

d) said control system adapted to receive the indicia from a customer remote communication unit and automatically provide the customer with select information at said customer interface, said select information being predefined by the customer and associated with the customer remote communication unit in advance of the fueling transaction.

(3) Corresponding Claims of the '879 Patent

In accordance with 37 C.F.R. 1.607(a)(3), Applicants identify claims 1-9, 18-23, 24-25, 27, 28-30, and 31-33 of the '879 Patent as corresponding to the proposed count.

(4) Corresponding Claims of the Present Application

In accordance with 37 C.F.R. 1.607(a)(4), Applicants identify at least claims 19-42 of the present application as corresponding to the proposed count. Claim 19 corresponds exactly to the proposed count. The remaining claims define the same patentable invention as claim 19 and therefore correspond to the proposed count.

(5) Application of Claims 19-42 to the Specification of the Present Application

In accordance with 37 C.F.R. 1.607(a)(5), Applicants submit the following tables that indicate that claims 19-42 are supported by the specification of the application submitted herewith. The citations therein are exemplary only and not exclusive.

Independent Claim 19 and Dependent Claims 20-33

| Claim Terms | Exemplary Citations to Specification of Present Application |
|---|--|
| 19. A system for automatically providing customer preferences during a fueling transaction comprising: | A transaction network system (e.g., page 9, line 15, FIG. 1) in which a user may predefine preferences (e.g., page 5, lines 7-12); "Transaction" broadly describes activities that may be performed using an electronic fund transfer (EFT) system, including for example, paying for the purchases of goods or services (e.g., page 9, lines 1-9); The features of the invention may be used in a variety of electronic transactions systems including, for example, point-of-sale (POS) terminals such as gas pumps (e.g., page 18, lines 9-12). |
| a) a fuel dispenser with an audio/visual customer interface having a display and audio system; | At least one transaction terminal 10 having a display 15, speaker 19, and microphone 20 are disclosed (e.g., FIG. 1, and page 10, lines 1-9). |
| b) wireless communication electronics associated with said fuel dispenser and adapted to receive signals from one or more customer remote communication units; and | Card reader/writer 13 comprises "wireless communications" associated with transaction terminal 10, and receives signals from remote customer communication unit (e.g., ID card 30). (see FIG. 1 and page 10, lines 1+). The ID card may comprise, among other things, a magnetic card, an EEPROM card, or a "smart card" (e.g., page 23, lines 22-24). |
| c) a control system and memory associated with said communications electronics and said customer interface; | One control system comprises local controller 11 and local memory 12 (e.g., page 9, lines 22-24); central controller 200 and memory 300 also disclosed (e.g., page 9, lines 16-18); one or both are associated with customer interface. |
| d) said control system adapted to receive the indicia from a customer remote communication unit and automatically provide the customer with select information at said customer interface, said select information being predefined by the customer and associated with the customer remote communication unit in advance of the fueling transaction. | The control system receives information from the remote unit (ID card 30) and automatically provides the customer with select information (e.g., stored transaction information) at the customer interface (e.g., page 11, lines 15-18); the select information is predefined by the user (e.g., page 11, lines 1-2) and is associated (e.g., stored) on ID card 30 before executing a transaction. |

| | |
|--|---|
| 20. The system of claim 19 wherein said memory is located apart from said fuel dispenser and is operatively associated with a central site control system. | Central control units or host processors 200 and associated memories 300 (e.g., FIG. 1, page 9, lines 16-19). |
| 21. The system of claim 19 wherein said control system includes a dispenser control system located in said fuel dispenser. | Local controller 11 controls operation of terminal 10 (e.g., page 9, lines 22-24; FIG. 1). |
| 22. The system of claim 21 wherein said control system further includes a central site control system located apart from said fuel dispenser. | Central controller 200 (e.g., FIG. 1; page 9, lines 16-19). |
| 23. The system of claim 19 wherein said control system includes a central site control system located apart from said fuel dispenser. | Central controller 200 (e.g., FIG. 1; page 9, lines 16-19). |
| 24. The system of claim 19 wherein the indicia includes identification indicia and said select information is stored in said memory in association with the identification indicia of the remote communication unit and said control system is adapted to access said select information in said memory upon receipt of the identification indicia and provide the select information at the customer interface. | Page 10, lines 17 – Page 11, line 5; and Page 13, lines 22 - Page 14, line 9. |
| 25. The system of claim 19 wherein said control system is adapted to access said select information at a remote network based on the indicia and provide the select information at the customer interface upon receipt of the indicia and accessing said select information. | Page 9, lines 15-19; Page 17, lines 6-12. |
| 26. The system of claim 19 wherein the indicia defines the select information stored in said memory, said control system adapted to access said select information using the indicia after receipt of the indicia and provide the select information at the customer interface. | Page 10, lines 17 – Page 11, line 5. |
| 27. The system of claim 19 wherein the indicia includes the select information and said control system is adapted to receive said select information through the communication electronics and provide the select information at the customer interface. | Page 10, lines 17 – Page 11, line 5; and Page 23, lines 22-24. |

| | |
|--|---|
| 28. The system of claim 19 wherein said select information includes a desired greeting to be provided at the customer interface to the customer. | Display of one or more transaction menus customized for the user (e.g., Page 11, lines 15-18). |
| 29. The system of claim 28 wherein said greeting is audibly presented to the customer. | Speaker 19 as illustrated in FIG. 1. |
| 30. The system of claim 28 wherein said greeting is visually displayed to the customer. | Display 15 as illustrated in FIG. 1; and display of one or more transaction menus customized for the user (e.g., Page 11, lines 15-18). |
| 31. The system of claim 19 wherein said control system is adapted to allow a customer to modify the predefined selected information during a transaction to receive additional selected information. | Page 18, lines 1-8. |
| 32. The system of claim 31 wherein said control system stores the additional selected information as said selected information for future transactions. | Page 18, lines 1-8. |
| 33. The system of claim 32 wherein said control system and said communications system are adapted to transmit information to the remote communications unit to store the additional information as the selected information. | Page 18, lines 1-8. |

Independent Claim 34 and Dependent Claims 35-36

| Claim Terms | Exemplary Citations to Specification of Present Application |
|---|---|
| 34. A system for automatically preventing presentment of information based on customer preferences during a fueling operation comprising: | FIG. 1; Page 9, line 15; Page 5, lines 7-12; Page 9, lines 1-9; Page 18, lines 9-12; the system can prevent typically sequential menu choices based on customer preferences (e.g., page 5, lines 10-12; page 11, lines 1-5; page 11, line 25 – page 12, line 2). |
| a) a fuel dispenser with a customer interface adapted to present information to a customer during a transaction; | The features of the invention may be used in a variety of electronic transactions systems including, for example, point-of-sale (POS) terminals such as gas pumps (e.g., page 18, lines 9-12). A plurality of transaction terminals 10 (e.g., gas pumps) are disclosed, comprising a customer interface including, for example, one or more input devices, such as a keypad 14 or selection keys 14A located adjacent a display 15. A speaker 19, microphone 20, and fingerprint ID unit 21, are also disclosed (e.g., FIG. 1, and page 10, lines 1-9). |
| b) wireless communications electronics associated with said fuel dispenser and adapted to receive signals from customer remote communications units associated with customers using the fuel dispenser; and | Card reader/writer 13 comprises “wireless communications” associated with transaction terminal 10, and receives signals from remote customer communication unit (e.g., ID card 30). (see FIG. 1, and page 10, lines 1+). The ID card may comprise, among other things, a magnetic card, an EEPROM card, or a “smart card” (e.g., page 23, lines 22-24). |
| c) a control system and memory associated with said communication electronics and said customer interface; | Page 9, lines 16-18, and lines 22-24; and FIG. 1, elements (11), (12), and (200), (300) |
| d) said control system adapted to present said select information at said customer interface; | The control system automatically presents the customer with select information (e.g., stored transaction information) at the customer interface (e.g., page 11, lines 15-18). |

| | |
|--|---|
| <p>e) said control system adapted to receive the indicia from a customer remote communication unit and prevent presentment of select information at said customer interface, said select information being selected by the customer and associated with the customer remote communication unit prior to the transaction.</p> | <p>The control system receives information from the remote unit (ID card 30) and automatically provides the customer with select information at the customer interface (e.g., stored transaction information); the system can prevent typically sequential menu choices based on customer preferences (e.g., page 5, lines 10-12; page 11, lines 1-5; page 11, line 25 – page 12, line 2) and option exists as to whether or not to display standard menu (e.g., page 14, line 10+); and the select information is predefined by the user (e.g., page 11, lines 1-2) and is associated (e.g., stored) on ID card 30 in advance of (e.g., before) executing a transaction.</p> |
| <p>35. The system of claim 34 wherein the indicia is identification indicia and said select information is stored in association with the identification indicia of the remote communication unit and said control system is adapted to identify said select information upon receipt of the identification indicia and prevent the presentment of the select information accordingly.</p> | <p>Page 10, lines 17 – Page 11, line 5.</p> |
| <p>36. The system of claim 34 wherein the predefined parameters are transmitted to the communication electronics from said remote communication unit and said control system is adapted to receive the predefined parameters and control the transaction accordingly.</p> | <p>The control system receives information from the remote unit (ID card 30) and automatically provides the customer with select information (e.g., stored transaction information) at the customer interface (e.g., page 11, lines 15-18); the select information is predefined by the user (e.g., page 11, lines 1-2) and is associated (e.g., stored) on ID card 30 before executing a transaction.</p> |

Independent Claim 37 and Dependent Claims 38-39

| Claim Terms | Exemplary Citations to Specification of Present Application |
|---|---|
| 37. An interrogation system associated with a fuel dispensing system for automatically providing customer preferences to a customer during a fueling transaction, said system comprising: | FIG. 1; Page 9, line 15; Page 5, lines 7-12; Page 9, lines 1-9; Page 18, lines 9-12; |
| a) a customer transaction interface associated with an interrogator for communicating with transponders; and | A plurality of transaction terminals 10 (e.g., gas pumps as disclosed in at least page 18, lines 9-12) are disclosed, comprising a customer interface including, for example, one or more input devices, such as a keypad 14 or selection keys 14A located adjacent a display 15 (e.g., FIG. 1, and page 10, lines 1-9). Communication with transponders (at least ID card 30) through interrogator (e.g., card reader/writer 13) as shown in at least FIG. 1. |
| b) a control system and memory associated with said interrogator; | One control system comprises local controller 11 and local memory 12 (e.g., page 9, lines 22-24); central controller 200 and memory 300 also disclosed (e.g., page 9, lines 16-18); one or both are associated with customer interface. |
| c) said control system adapted to interrogate a customer remote communication unit with said interrogator during a transaction to receive indicia associated with a predefined set of customer preferences and to provide automatically select types of information based on the predefined set of customer preferences associated with the received indicia, said predefined set of customer preferences determined by the customer in advance of the fueling transaction. | The control system receives information from the remote unit (ID card 30) via card reader/writer 13 and automatically provides the customer with select information (e.g., stored transaction information) at the customer interface (e.g., page 11, lines 15-18); the select information is predefined by the user (e.g., page 11, lines 1-2) and is associated (e.g., stored) on ID card 30 in advance of (e.g., before) executing a transaction. |

| | |
|--|---|
| 38. The system of claim 37 wherein said control system is further adapted to prevent displaying certain information based on said predefined set of customer preferences associated with the indicia received through said interrogator. | The system can prevent typically sequential menu choices based on customer preferences (e.g., page 5, lines 10-12; page 11, lines 1-5; page 11, line 25 – page 12, line 2). |
| 39. The system of claim 37 wherein the indicia received through said interrogator includes the select types of information comprising the set of customer preferences predefined by the customer in advance of the fueling transaction and said control system uses the indicia to access the information and provide the information to the customer. | Page 11, lines 1-2, and 15-18. |

Independent Claim 40 and Dependent Claims 41-42

| Claim Terms | Exemplary Citations to Specification of Present Application |
|---|---|
| 40. A method for automatically providing customer preferences during a fueling transaction comprising: | FIG. 1; Page 9, line 15; Page 5, lines 7-12; Page 9, lines 1-9; Page 18, lines 9-12; |
| a) receiving indicia from a customer remote communication unit in association with a fueling transaction; | Card reader/writer 13 associated with transaction terminal 10 receives signals from remote customer communication unit (e.g., ID card 30). The ID card may comprise, among other things, a magnetic card, an EEPROM card, or a "smart card" (e.g., page 23, lines 22-24). The features of the invention may be used in a variety of electronic transactions systems including, for example, point-of-sale (POS) terminals such as gas pumps (e.g., page 18, lines 9-12); |
| b) determining select types of information predefined by the customer using the indicia received from the customer remote communication unit, the select types of information being selected by the customer and associated with the remote communication unit in advance of the fueling transaction; | The control system automatically provides the customer with select information (e.g., stored transaction information) at the customer interface (e.g., page 11, lines 15-18); the select information is predefined by the user (e.g., page 11, lines 1-2) and is associated (e.g., stored) on ID card 30 in advance of (e.g., before) executing a transaction. |
| c) accessing information defined by the select types of information; and | The control system accesses information from the remote unit (ID card 30) via card reader/writer 13 |
| d) providing the information to the customer during the refueling transaction. | Automatically provides the customer with select information (e.g., stored transaction information) at the customer interface (e.g., page 11, lines 15-18); see display 15, for example. |

| | |
|--|---|
| 41. The method of claim 40 wherein the receiving step includes receiving identification indicia for the remote communication unit and the accessing step includes accessing information according to the select types of information in a database using the identification indicia. | Page 10, lines 17 – Page 11, line 5; Page 13, lines 22 - Page 14, line 9; FIG. 1, element 300 |
| 42. The method of claim 40 wherein the indicia includes the select types of information. | Page 10, lines 17 – Page 11, line 5; Page 13, lines 22 - Page 14, line 9; FIG. 1, element 300 |

CONCLUSION

For all of the above reasons, Applicants respectfully request that an interference be declared between the present application and the '879 patent. If the Examiner believes that prosecution of this continuation application might be advanced through a personal or telephone interview, the Examiner is invited to call Applicants' undersigned representative.

Respectfully submitted,

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY, AND POPEO, PC

By: 

Bradford C. Blaise
Registration No. 47,429
for James G. Gatto
Registration No. 32,694

Date: August 7, 2001

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY, AND POPEO, PC
One Fountain Square
11911 Freedom Drive
Suite 400
Reston, Virginia 20190
(703) 464-4800 (Telephone)
(703) 464-4895 (Facsimile)